

## **REMARKS**

Claims 58-74 were examined. All claims were rejected. In response to the above-identified Final Office Action, Applicants amend claims 58, 62 and 64-67. Support for the amendments is at p. 24, ll. 10-16; p. 24, l. 24 – p. 25, l. 2; p. 36, ll. 18-20; p. 38, l. 27 – p. 39, l. 19; and elsewhere in the Specification. No new matter is added.

### **I. Claims Rejected Under 35 U.S.C. § 112**

The Examiner rejected claims 64 and 65 under 35 U.S.C. § 112 because of antecedent-basis errors. Applicants have corrected these errors and respectfully request withdrawal of the rejections.

### **II. Claims Rejected Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 58-74 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,319,751 issued to Garney ("*Garney*").

*Garney* describes a system for dynamically configuring device drivers for removable system resources. When a removable device (e.g. a PCMCIA card) is connected to a computer, a stub driver is transferred to the computer. However, the remainder of the device driver is not transferred, but rather executes while still present on the removable card. (See Abstract.) Thus, in its broadest outlines, *Garney's* system is like Applicants': when one device is connected to another, executable information is transferred and executed to perform as a device driver.

However, at any more detailed level of comparison, *Garney* is utterly different from Applicants' claimed invention. For example, memory in *Garney's* function card is accessed by the host computer to obtain the driver stub (see Fig. 10, 801-807). In contrast, Applicants' claim 58 recites that, upon connection, a bidirectional communication channel between the client device and the host device is established using a handshake command/response, and furthermore

that a reliable stream protocol connection between the client device and the host device is negotiated, the data for the connection to flow over the bidirectional communication channel. This is a completely different process for establishing communications: in *Garney*, the function card memory becomes directly accessible to the host by virtue of the physical connection, and there is no handshaking or other negotiation performed to establish a logical connection over which data can pass.

Furthermore, the claimed handshake request/response is more than a mere design choice (*i.e.* direct memory mapping vs. negotiated connection), because, as recited in claim 58 as amended, the handshake response is used by the client device to identify the host device and select executable information to transmit to the host. In addition, it is the *client* that selects the executable information to be transmitted, whereas in *Garney*, the *host* selects the driver stub it desires.

Finally, according to Applicants' amended claim 58, the client device is to transmit the selected executable information to the host device and receive a file handle for the executable information at the host device, and to invoke execution of the executable information at the host using the file handle. *Garney* does nothing whatsoever with files or file handles; the driver stub is copied from function card memory to host memory and executed there, while the rest of the driver's instructions are retrieved directly from the function card's memory by the host's processor (*see Garney*, 3:63-66 and 4:1-4).

Applicants respectfully submit that *Garney* fails to anticipate claim 58 for at least the reasons discussed above, and request that the Examiner withdraw the rejection of that claim. In addition, claims 59-65 depend directly or indirectly on claim 58, so they are patentable for at least the same reasons. Applicants respectfully request that the Examiner withdraw the rejections of these claims also.

Regarding independent claim 66, that claim as amended recites an apparatus comprising a protocol manager to negotiate a reliable bidirectional

data communication channel to the host; and a driver uploader to identify a type of the host, transmit a driver appropriate for the host type to the host over the reliable bidirectional data communication channel, receive a file handle for the driver at the host, and invoke the driver at the host using the file handle. This apparatus is patentable over *Garney*, even if *Garney's* entire function-card-and-computer-system is analyzed as a monolithic anticipating apparatus, because *Garney's* function card and system do not contain a protocol manager to negotiate a reliable bidirectional data communication channel, nor a driver uploader to identify a type of the host, transmit a driver appropriate for the host type to the host over the reliable bidirectional data communication channel, and invoke the driver at the host using a file handle. *Garney* lacks these structures because his system operates differently – there is no need to negotiate connections or exchange file handles because the host can access the function card's memory directly.

On a related note, in connection with the rejection of claim 67, Applicants respectfully point out that *Garney* does not teach or suggest using TCP/IP for data communication between the function card and the system. The Examiner asserts that the use of TCP/IP would be a “reasonable modification” of an inherent protocol for client/server communication, but given that *Garney's* “protocol” already provides direct memory mapping, such a modification would be like “improving” a video teleconference system by replacing the video and audio with descriptions transmitted in Morse code. Such a modification is unlikely to be entertained by one of ordinary skill in the art, and *Garney* does not offer any reason to expect that it would be beneficial.

For at least the foregoing reasons, Applicants respectfully submit that claim 66 and its direct and indirect dependent claims, 67-74, are patentable over the references of record.

## **CONCLUSION**

In view of the foregoing, it is believed that claims 58-69, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (408)720-8300.

Respectfully submitted,

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